

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

ORIGINAL  
FILE  
92033  
RECEIVED

MM Docket No. 92-127

AUG 27 1992

In the Matter of: )  
 )  
Amendment of §73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Germantown, Tennessee) )

Federal Communications Commission  
Office of the Secretary

RM - 7917

To: Assistant Chief, Policy and Rules Division

REPLY COMMENTS

Omni Broadcasting Corp. ("Omni"), by its attorneys, herewith submits these reply comments, in response to the "Comments Of Carol B. Ingram" ("Comments") on the "Notice of Proposed Rule Making" adopted June 10, 1992, and Released June 22, 1992. In support, the following is shown:

1. In her Comments, Ms. Ingram asserts that the proposed reference point for Channel 298C3, Germantown, TN, is short-spaced 0.75 kilometers to her pending application for modification of construction permit. Ms. Ingram requests that after adoption of a Report and Order herein that Omni "apply for a site that meets all spacing requirements of the rules, including the pending application of Carol B. Ingram at Rosedale, Mississippi."

2. Omni would first note that it filed its petition for rulemaking before Ms. Ingram tendered her application

0 + 4

for modification of construction permit. It was Ms. Ingram who should have protected the reference point specified by Omni in its petition for rulemaking.

3. Nevertheless, Ms. Ingram's own consulting engineer (and husband) has confirmed that with a very slight change, of less than one minute, the proposed Germantown reference point would be fully-spaced to the Rosedale application. See Attachment 1. As Omni noted in Figure 1 of its Technical Statement in support of the petition for rulemaking, an area exists for which a Channel 298C3 transmitter could be located while providing required city grade coverage of the community of Germantown. The new reference point suggested by J. Boyd Ingram -- 34° 56' 28" N, 89° 41' 45" W -- is located within this area, and would be a suitable reference point for Channel 298C3, Germantown, TN.

4. Omni submits that use of the coordinates specified by Mr. Ingram to describe Channel 298C3, Germantown would constitute a suitable and appropriate resolution of the issue raised by Ms. Ingram's Comments.

5. Omni repeats that it supports the Commission's proposal to amend the FM Table of Allotments as follows:

<u>Channel No.</u>		
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Germantown, Tennessee	231C2, 298A	231C2, 298C3

Furthermore, Omni supports modification of its authorization to specify operation on Channel 298C3.

6. Omni further repeats that if the FM Table of Allotments is amended as proposed, then Omni will tender an FCC Form 301 application for modification of construction permit to specify Class C3 facilities. If authorized, then Omni will construct promptly and operate the station on Channel 298C3.

7. In light of the unopposed nature of the proposed upgrade, Omni urges the Commission to act as expeditiously as possible.

WHEREFORE, Omni requests that the Commission adopt, at the earliest opportunity, an order amending the FM Table of Allotments as follows:

	<u>Channel No.</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Germantown, Tennessee	231C2, 298A	231C2, 298C3

and modifying Omni's authorization to specify operation on Channel 298C3.

Respectfully Submitted

OMNI BROADCASTING CORP.

by Harold K. McCombs  
Harold K. McCombs, Jr.

Its Attorney

August 27, 1992

Holland & Knight  
888 17th Street, N. W.  
Suite 900  
Washington, D. C. 20006-3939  
202-955-5550/457-5943  
FAX: 202-955-5564

J. Boyd Ingram & Associates  
Batesville, Mississippi

Page  
August 25, 1992

### Distance & Bearing Calculations

Job title : ROSEDALE

Site No.	Latitude Longitude	Distance (miles)	Distance (kilometers)	Bearing From Site 1 and Reciprocal (degrees true)
----------	-----------------------	---------------------	--------------------------	--

Site 1 coordinates

? 33,56,48,90,50,58

WMJW, Carol B. Ingram, Rosedale, Mississippi

1 33-56-48.0  
90-50-58.0

Site 4 coordinates

? 34,56,28,89,41,45

Amended site, Omni Broadcasting, Germantown, TN.

4	34-56-28.0	GC=	95.09	153.03	43.41
	89-41-45.0	FCC=	95.07	153.00	224.06

Requirements are 95 Miles, 153 Km. This site is acceptable.

**CERTIFICATE OF SERVICE**

I, Harold K. McCombs, Jr., do hereby certify that I have caused to be mailed, First Class postage prepaid, this 27th day of August, 1992, copies of the foregoing "Reply Comments" to the following:

Julian P. Freret, Esquire  
Booth, Freret & Imlay  
1233 20th Street, N.W.  
Suite 204  
Washington, D.C. 20036

Richard H. Waysdorf, Esquire  
Jones, Waldo, Holbrook &  
McDonough, P. C.  
2300 M Street, N. W.  
Suite 900  
Washington, D. C. 20037

Harry C. Martin, Esquire  
Andrew S. Kersting, Esquire  
Reddy, Begley & Martin  
1001 22nd Street, N. W.  
Suite 350  
Washington, D. C. 20037

Stephen Diaz Gavin, Esquire  
Besozzi and Gavin  
1901 L Street, N. W.  
Suite 200  
Washington, D. C. 20036

James R. Cooke, Esquire  
Harris, Beach & Wilcox  
1611 North Kent Street  
Suite 1000  
Arlington, Virginia 22209

- \* Charles E. Dziedzic, Chief  
Norman Goldstein, Esquire  
Hearing Branch  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N. W. - Suite 7212  
Washington, D. C. 20554
- \* John I. Riffer, Associate General  
Counsel - Adjudication  
Office of General Counsel  
Federal Communications Commission  
1919 M Street, N.W.  
Suite 610  
Washington, D. C. 20554

*Harold K. McCombs*  
Harold K. McCombs, Jr.

\* By Hand

WAS-6386